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*Attorneys for Kenneth Himmler, Plaintiff*

**UNITED STATES FEDERAL DISTRICT COURT**

**DISTRICT OF NEVADA**

KENNETH HIMMLER,

Plaintiff

vs.

LIVINGSTON GROUP ASSET  
MANAGEMENT, INC. DBA SOUTHPORT  
CAPITAL, INC., a Delaware corporation;  
HORIZON PRIVATE EQUITY, LLC, a  
Georgia limited liability company; JAMES  
WALLACE WOODS, an individual; JOHN J.  
WOODS, an individual; MICHAEL  
MOONEY, and individual; and DOES 1  
THROUGH 10,

Defendants.

Case No. 2:15-cv-00497-MMD-CWH

**JOINT REQUEST FOR EXTENSION OF  
TIME FOR PARTIES TO CONDUCT  
FRCP 26(f) DISCOVERY CONFERENCE,  
AND TO FILE PROPOSED DISCOVERY  
PLAN/SCHEDULING ORDER**

**(FIRST REQUEST)**

Plaintiff Kenneth Himmler, by and through his attorneys of record, Wolf, Rifkin, Shapiro, Schulman, and Rabkin, LLP; and, Defendants, by and through their counsel of record, Marquis Aurbach Coffing, hereby request an extension of time, pursuant to NV R USDCT LR 6-1 for the parties to meet and confer in order to conduct the mandatory FRCP 26(f) discovery conference, and subsequently jointly prepare and file the parties' proposed discovery plan/scheduling order,

1 such that this honorable Court may issue a Scheduling Order under FRCP 16(b)(1). The discovery  
2 plan/scheduling order is currently due on July 6, 2015. The parties respectfully request an  
3 amended deadline of August 6, 2015 for the parties to file the discovery plan/scheduling order.

4 Currently, Defendants' Motion to Dismiss is pending before this Court. (See Docket No.  
5 14.) The Motion has been fully briefed. (See Docket No. 18.)

6 DATED this 6<sup>th</sup> day of July, 2015.

7 **WOLF, RIFKIN, SHAPIRO,**  
8 **SCHULMAN & RABKIN, LLP**

9 By: /s/ Jordan J. Butler, Esq.  
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22 *Attorneys for Kenneth Himmler, Plaintiff*

23 DATED this 6<sup>th</sup> day of July, 2015.

24 **MARQUIS AURBACH COFFING**

25 By: /s/ James Ruggeroli, Esq.  
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*Attorneys for Defendants*

**ORDER**

IT IS SO ORDERED.

  
UNITED STATES MAGISTRATE JUDGE

DATED: July 7, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of July, 2015, a true and correct copy of **JOINT DISCOVERY PLAN AND SCHEDULING ORDER** was served via the United States District Court CM/ECF system on all Parties or persons requiring notice.

*/s/ Michael J. Hannon*

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Michael J. Hannon, An employee of WOLF, RIFKIN,  
SHAPIRO, SCHULMAN & RABKIN, LLP